

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAR 16 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA

v.

STEVEN LEE McARTER
TAMMY DAVIS HUMBER

§
§
§
§
§
§

6:16CR 20
Judge MHS/KNM

BY
DEPUTY
SEALED

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 18 U.S.C. § 922(a)(6) (False
Statement in connection with acquisition of
firearm)

On or about August 20, 2014, in Panola County, Texas, in the Eastern District of Texas, **Tammy Davis Humber**, Defendant herein, in connection with her acquisition of a firearm, that is, a Ruger, model 10/22, .22 caliber rifle, bearing serial number 824-47703, from Ben's Pawn & Trading Post, in Carthage, Texas, a licensed dealer, knowingly made a false and fictitious written statement to Ben's Pawn & Trading Post, which statement was likely to deceive Ben's Pawn & Trading Post as to a fact material to the lawfulness of such acquisition of the said firearm by the defendant under chapter 44 of Title 18, in that the defendant represented that she was the actual transferee/buyer of the firearm, when in fact, as the defendant then well knew, she was not the actual buyer.

In violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2).

Count Two

Violation: 18 U.S.C. § 922(d)(1) (Disposing of
a Firearm to a Felon)

On or before December 13, 2014, in Panola County, Texas, in the Eastern District of Texas, **Tammy Davis Humber**, Defendant herein, did knowingly and unlawfully dispose of a firearm, to-wit: a Sig Sauer, model P938, 9mm caliber pistol, bearing serial number 52B027015, to a person she then knew, and had reasonable cause to believe, had been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, in violation of 18 U.S.C. §§ 922(d)(1) and 924(a)(2).

Count Three

Violation: 18 U.S.C. § 922(d)(1) (Disposing of
a Firearm to a Felon)

On or before December 16, 2014, in Panola County, Texas, in the Eastern District of Texas, **Tammy Davis Humber**, Defendant herein, did knowingly and unlawfully dispose of a firearm, to-wit: a Ruger, model 10/22, .22 caliber rifle, bearing serial number 824-47703, to a person she then knew, and had reasonable cause to believe, had been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, in violation of 18 U.S.C. §§ 922(d)(1) and 924(a)(2).

Count Four

Violation: 18 U.S.C. § 922(g)(1) (Felon in Possession of Ammunition)

On or about December 13, 2014, in Panola County, Texas, in the Eastern District of Texas, **Steven Lee McArter**, Defendant herein, did knowingly and unlawfully possess ammunition, specifically a 12 gauge round of ammunition, which ammunition had been shipped in interstate commerce, and the Defendant possessed the ammunition after having been convicted of crimes punishable by a term of imprisonment exceeding one year, specifically four felony offenses of Burglary of a Building, in Van Zandt County, Texas in 2013.

In violation of 18 U.S.C. § 922(g)(1).

Count Five

Violation: 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm)

On or about December 13, 2014, in Panola County, Texas, in the Eastern District of Texas, **Steven Lee McArter**, Defendant herein, did knowingly and unlawfully possess a firearm, specifically a Sig Sauer, model P938, 9mm caliber pistol, bearing serial number 52B027015, which firearm had been shipped in interstate commerce, and the Defendant possessed the firearm after having been convicted of crimes punishable by a term of imprisonment exceeding one year, specifically four felony offenses of Burglary of a Building, in Van Zandt County, Texas in 2013.

In violation of 18 U.S.C. § 922(g)(1).

Count Six

Violation: 18 U.S.C. § 922(g)(1) (Felon in Possession of Ammunition)

On or about December 13, 2014, in Panola County, Texas, in the Eastern District of Texas, **Steven Lee McArter**, Defendant herein, did knowingly and unlawfully possess ammunition, specifically a box of .308 caliber ammunition, which ammunition had been shipped in interstate commerce, and the Defendant possessed the ammunition after having been convicted of crimes punishable by a term of imprisonment exceeding one year, specifically four felony offenses of Burglary of a Building, in Van Zandt County, Texas in 2013.

In violation of 18 U.S.C. § 922(g)(1).

Count Seven

Violation: 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm)

On or about December 16, 2014, in Panola County, Texas, in the Eastern District of Texas, **Steven Lee McArter**, Defendant herein, did knowingly and unlawfully possess firearms, specifically:

a Ruger, model 10/22, .22 caliber rifle, bearing serial number 824-47703;

a Mossberg/Maverick, model 88, 12 gauge shotgun, bearing serial number MV87444J; and

a Marlin, model 336, 30-30 caliber rifle, bearing serial number Y5502;

which firearms had been shipped in interstate commerce, and the Defendant possessed the firearms after having been convicted of crimes punishable by a term of imprisonment exceeding one year, specifically four felony offenses of Burglary of a Building, in Van Zandt County, Texas in 2013.

In violation of 18 U.S.C. § 922(g)(1).

Count Eight

Violation: 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm)

On or about February 16, 2016, in Van Zandt County, Texas, in the Eastern District of Texas, **Steven Lee McArter**, Defendant herein, did knowingly and unlawfully possess a firearm, specifically an Agawam Arms, model M-68, .22 caliber rifle, bearing serial number 9734, which firearm had been shipped in interstate commerce, and the Defendant possessed the firearm after having been convicted of crimes punishable by a term of imprisonment exceeding one year, specifically four felony offenses of Burglary of a Building, in Van Zandt County, Texas in 2013.

In violation of 18 U.S.C. § 922(g)(1).

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE
Pursuant to 18 U.S.C. §§ 924(d)(1) and 3665 and 28 U.S.C. § 2461(c)

As the result of committing one or more of the foregoing offenses alleged in this Indictment, Defendant herein, shall forfeit to the United States pursuant to 18 U.S.C. §§ 924(d)(1) and 3665 and 28 U.S.C. § 2461 any property constituting, or derived from proceeds the person obtained directly or indirectly, as the result of such violation; and any and all personal property used or intended to be used to commit the offense, including but not limited to the following:

Conveyances

a Ruger, model 10/22, .22 caliber rifle, bearing serial number 824-47703;
a Sig Sauer, model P938, 9mm caliber pistol, bearing serial number 52B027015;
a Mossberg/Maverick, model 88, 12 gauge shotgun, bearing serial number MV87444J;
a Marlin, model 336, 30-30 caliber rifle, bearing serial number Y5502; and
an Agawam Arms, model M-68, .22 caliber rifle, bearing serial number 9734

assorted magazines and ammunition

Substitute Assets

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant –

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek


forfeiture of any other property of defendant up to the value of the above forfeitable

property, including but not limited to all property, both real and personal, owned by defendant.

By virtue of the commission of the offenses alleged in this Indictment, any and all interest the Defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853, and 28 U.S.C. § 2461.


A TRUE BILL,

Date: 3/16/16



FOREPERSON OF THE GRAND JURY

JOHN M. BALES
UNITED STATES ATTORNEY



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ASSISTANT U.S. ATTORNEY
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UNITED STATES OF AMERICA	§	
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NOTICE OF PENALTY

Counts One-Eight

Violation:	18 U.S.C. § 922(g)(1)
Penalty:	Imprisonment for not more than 10 years, a fine not to exceed \$250,000, or both, and supervised release of not more than 3 years.
Special Assessment:	\$100.00